

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 19th January, 2017

No. 7

**GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK, SIKKIM**

No.8/UD&HD

Date:07/01/2017

NOTIFICATION

In pursuance of sub-regulation (1) of regulation 4A of the Sikkim Building Construction Regulations, 1991, the State Government is hereby pleased to make a Mobile Tower Policy for installation of Mobile Towers in the State of Sikkim, namely:-

*Installation of
Mobile Towers/
other structures*

1. (1) Installation of Mobile Towers shall be allowed on residential/non-residential building (Office, Schools, College and buildings owned by the Government) in the State of Sikkim.

(2) In core urban areas, having high cell site density where it is not possible to install Mobile Towers/Antenna in residential buildings, the Micro Cell based stations can be considered, in order to provide seamless uninterrupted mobile services.

(3) To provide proper network services of the mobile towers outside core urban area, the installation of mobile towers may be allowed on the agriculture areas, only subject to submission of NOC from the Gram Panchayat duly signed by its members.

(4) For the installation of mobile towers on non-residential buildings, the NOC from the concerned owner/department shall be obtained.

(5) The mobile towers shall be permitted to install only on buildings having approved blue print plan/occupation/ completion certificate/ sewerage connection/electricity connection.

*Authorized/
Licensed
Operator*

2. Only operator, duly approved to carry out its operations by the Government of India, shall apply to the Secretary, Urban Development & Housing Department, Government of Sikkim, with all required relevant documents including the requisite NOCs/clearances, consents and undertakings.

- Sharing of Mobile Tower* 3. (1) The tower shall be shared by at-least three mobile operator companies and the Cellular Operator (hereinafter called operator).
- (2) The operator applying for the approval of installation of mobile tower shall ensure that the other companies sharing that mobile tower, do not have or shared any other mobile tower within the radius of 150 meters, nor they have applied for the same. The operator applying for approval shall submit the undertaking in this regard.
- (3) However, on the basis of justified technical requirements like coverage requirements, topography, capacity requirements, available spectrum and frequency usage restriction etc., the number of operators sharing the mobile towers can be increased from 3 (three) to 5(five), but in no case this number shall be restricted to 3(three).
- Maximum permissible height* 4. (1) Total height of the pole from ground zero shall not exceed 15 (fifteen) meters. However, in case of roof top tower, the height of tower shall be reduced by the building height on which the said tower is to be installed, so as to comply with the condition of maximum permissible height of fifteen meters.
- (2) However, permission of Defense/GREF/Airport Authorities/Central Government shall be mandatory in case of the building/site falling in their funnel areas.
- Insurance Policy* 5. It shall be the responsibility of the operator to ensure that the buildings are structurally safe and sound and capable of taking a load of antenna as well as the pre-fabricated structure. The operator shall have comprehensive insurance policy at its own cost, which shall be mandatory for all the structures, which it will be putting and raising for installation of mobile tower.
- Restriction for location of Genset* 6. All the towers and microcell based stations shall be supported by the battery backup only. Genset shall be allowed only if the parameters set by State Pollution Control Board are met and the No Objection Certificate to be furnished. The location of the genset should be within the premises of the building on which the tower is installed and in any case it shall not be located on the public spaces/setbacks of the buildings.
- NOC for Installation of Towers* 7. The final permission for installation of towers shall be granted with the submission of NOC of land/building Owning Agency (Private Agency or Public Agency).
- Documents required for installation of mobile Tower* 8. Every application shall be supported by the following documents regarding undertakings, clearances and consents etc., which the mobile tower operator shall obtain at its own level:-
- (1) Copy of relevant license/Infrastructure Provider Registration Certificate from Department of Telecommunications.

- (2) Data Sheet
 - (a) Name of Service/Infrastructure Provider
 - (b) Location
 - (c) Tower Reference
 - (i) Height, (ii) weight, (iii) ground/rooftop (iv) Pole/Wall mounted
 - (v) number of antennae
- (3) Copy of Standing Advisory Committee for Frequency Allocation clearance/Copy of Standing Advisory Committee for Frequency Allocation application for the said location submitted to Wireless Planning and Coordination wing of Department of Telecommunication with registration number as Wireless Planning and Coordination acknowledgement along with undertaking that in any case of any objection/rejection, TSPs/IPs will take corrective actions/remove the tower.
- (4) Copy of the structural stability certificate for ground based tower. No habitation within the radius of 30 meters for ground based towers. In case of roof top towers structural stability certificate of building and tower from authorized structural engineer.
- (5) Copy of the type test certificate issued by automotive research association of India (ARAI) to the manufacturers of Diesel Generator sets.
- (6) Copy of clearance from Fire, Police Department in case for high rise buildings where Fire Clearance is mandatory.
- (7) Copy of clearance from Forest Environment & Wildlife Department in case of forest protected areas.
- (8) Acknowledgement receipt issued by Telecom Enforcement Resource and Monitoring Cell (Department of Telecommunication) of the self certificate submitted by Telecom Service Provider/ Infrastructure provider in respect of mobile tower/BTS (ground based/roof top/pole/wall mounted) in the format as prescribed by Telecommunication Engineering Centre, Department of Telecommunication establishing/certifying that all General Public areas around the tower will be within the safe Electromagnetic Radiation exposure limit as per peak traffic measurement after the antennae starts radiating.
- (9) The copy of approved blue print plan for the building on which the tower is proposed to be raised.
- (10) The safety clearance from the Defense/GREF/Airport Authority of India where tower is proposed to be installed.
- (11) The operator shall comply with the safety standard, norms on Electromagnetic Field exposure and other guidelines in accordance with the condition of license issued by the competent authority of

the Government of India and shall submit a test report conducted by reputed third party that their towers are within the safety norms provided by the competent authority in the Government of India and in case of any violation in this regard, the tower shall be demolished forthwith beside imposing of penalty.

- (12) Undertaking by the operator applying for approval ensuring that the tower is being shared only with those companies, which fulfill the condition of maintaining the distance of 150 meters between the two towers of same company.
- (13) Documents of comprehensive insurance policy for all the structures, which will be constructed or raised on the site.
- (14) The operator shall be bound to submit any other document or certificate demanded by the Competent Authority, required to scrutinize the case.

*Power of
Competent
Authority*

- 9. (1) The Competent Authority for granting the permission for installation of Mobile towers shall be the Secretary, Urban Development & Housing Department, Government of Sikkim.
- (2) Only one approval shall be granted to each tower, which shall be applied/ sought by the main mobile operating company. The said company shall be responsible for submitting the documents of all the sharing companies and shall ensure that the sharing companies also fulfill the eligibility criteria and other conditions for installation of mobile towers.
- (3) For the regularization of existing towers, same conditions/ procedure for the application and documentation shall be required, as those are required for the permission of new mobile towers. However, approval to such existing towers shall also be granted by the same Competent Authority, only subject to the condition of fulfillment of all the norms of the policy and applicable fees and charges notified vide notification no. No.Gos/UD&HD/2336(44)07/1563 dated 13/8/2008. Otherwise, the requisite action regarding issuing the notices and dismantling the un-authorized towers shall be taken by the Competent Authority.
- (4) The permission granted can be cancelled/ withdrawn at any time, if the public interest warrants so, giving one month notice to the concerned.
- (5) The site shall be used only for setting up of tower and battery equipments. No commercial activity at site shall be permitted.
- (6) There shall be no further change in the plan and design of the prefabricated shelter and tower without prior approval of the Competent Authority in contradiction to the approved plans.

- (7) The height of the antenna (i.e. height of the building plus height of tower) should be as per submitted specification and should not violate the directions and limits prescribed by any authority in this regard.
- (8) The distance of tower from electricity pole or line or tower thereof shall not be less than height of tower plus requisite distance from respective high tension or low tension line
- (9) Officials of Urban Development and Housing Department, Government of Sikkim shall have the right to inspect the site at all times without any prior notice.
- (10) If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the operator, the operator shall be solely responsible for paying all kinds of compensations and damages to the concerned and shall be liable to face any civil or criminal case there from.
- (11) Fees and charges as prescribed vide notification No.Gos/UD&HD/2336(44)07/1563 dated 13/8/2008 shall be paid by the operator. In addition, whatever taxes/levies etc. which are leviable by the Government shall also be payable by the operator.

G.T. Bhutia
SECRETARY
URBAN DEVELOPMENT & HOUSING DEPARTMENT

